

REFERENCE TITLE: Arizona water protection fund; projects

State of Arizona
Senate
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SB 1288

Introduced by
Senators Griffin, Burges; Representatives Gowan, Stevens: Senators Melvin,
Shooter, Ward; Representative Fann

AN ACT

AMENDING SECTION 45-2113, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA
WATER PROTECTION FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 45-2113, Arizona Revised Statutes, is amended to
3 read:

4 **45-2113. Fund grants; applications**

5 A. The commission shall grant monies from the fund consistent with the
6 application guidelines developed pursuant to section 45-2105. The commission
7 shall establish a procedure by which monies may be granted annually which
8 shall include a maximum of six months between the receipt of the proposal by
9 the commission and the disbursement of monies. The commission shall give
10 priority in funding to the following:

11 1. Projects for which matching monies or assets of comparable value
12 including in-kind contributions will be provided by other sources.

13 2. Projects that provide for the continued maintenance of the portion
14 of the river and stream and associated riparian habitat that are enhanced by
15 the project.

16 3. Projects that include broad based local involvement.

17 4. Projects that directly benefit perennial or intermittent rivers or
18 streams.

19 B. The commission shall require as a condition of approval of any
20 proposal all of the following provisions:

21 1. Allowing access for inspection and evaluation of the project.

22 2. Controlling the expenditure of and accounting for any monies
23 granted by the commission.

24 3. Requiring that those persons responsible for the project submit all
25 pertinent information and research gained from the project to the commission.

26 4. Requiring that any person receiving a grant spend no more than five
27 per cent of the grant on costs of administration.

28 C. The commission shall provide for public involvement regarding the
29 applications submitted to the commission which shall include notice to any
30 person who requests notice of applications and which shall provide a
31 reasonable opportunity for comment on the application which shall not be less
32 than forty-five days.

33 D. On receipt of an application the commission shall notify cities,
34 towns, counties, natural resource conservation districts, special districts
35 and Indian communities affected by the proposal and shall provide a
36 reasonable opportunity for comment on the application which shall not be less
37 than forty-five days.

38 E. Any person, state ~~or federal~~ agency or political subdivision of
39 this state may submit a request for funding from the fund for purposes
40 prescribed by this section. **A FEDERAL AGENCY IS NOT ELIGIBLE FOR FUNDING**
FROM THE FUND. Requests for funding shall be made to the commission.
41 Requests for funding submitted to the commission may be accompanied by
42 expressions of support from affected cities, towns, counties, natural
43 resource conservation districts, special districts or Indian communities.

1 F. As a condition of approval by the commission, the applicant shall
2 commit to work jointly with the affected cities, towns, counties, natural
3 resource conservation districts, special districts and Indian communities
4 that have contacted the commission pursuant to subsection D of this section
5 on all aspects of the proposal's implementation and monitoring, unless the
6 jurisdiction chooses not to participate.

7 G. Monies in the fund may only be spent to finance programs located in
8 this state.

9 H. Monies in the fund may be spent for any of the following:

10 1. Granting monies to entities for the acquisition of central Arizona
11 project water or effluent that will protect or restore rivers or streams
12 consistent with state water law. No entity may exercise the right of eminent
13 domain to acquire water or water rights using monies derived from this fund.

14 2. Granting monies to assist in developing, promoting and implementing
15 water conservation programs, directly related to the purposes of this
16 chapter, outside of the active management areas, except that no more than
17 five per cent of the monies spent in any fiscal year may be spent for this
18 purpose.

19 3. Granting monies in support of research and data collection,
20 compilation and analysis directly related to the purposes of this chapter
21 except that no more than five per cent of the monies deposited in the fund in
22 any fiscal year may be spent for this purpose. ~~Prior to~~ BEFORE the approval
23 of any such project, the commission shall consult with the department of
24 water resources and the state land department to determine whether any
25 research of a similar nature has been or is in the process of being performed
26 and is already available. The commission shall not approve a proposal if
27 either department determines that sufficient data exists and notifies the
28 commission in writing.

29 4. Granting monies for the development and implementation of capital
30 projects or specific measures consistent with the purposes of this chapter.

31 I. Monies in the fund may not be spent for remedial action purposes
32 undertaken pursuant to the comprehensive environmental response,
33 compensation, and liability act of 1980, as amended (P.L. 96-510; 94 Stat.
34 2767; 42 United States Code section 9601) or title 49, chapter 2, article 5.